

National Aeronautics and Space Administration

Headquarters

Washington, DC 20546-0001



September 2, 2009

Reply to Attn of:

TO: Distribution

FROM: Alternate Designated Agency Ethics Official

SUBJECT: Determination Regarding Attendance by NASA Employees at a National Air and Space Museum Reception and Program on September 9, 2009

On the evening of September 9, 2009, the Maryland Space Business Roundtable (MSBR) is sponsoring, and NASA and the National Air and Space Museum (NASM) are hosting, a reception and program at the National Air and Space Museum. The purpose of the event, entitled "*The Hubble Legacy: Celebrating the World's Greatest Telescope*," is to recognize and disseminate information about NASA Goddard's Hubble Space Telescope program, including the recent servicing mission. The program includes remarks by the NASA Administrator and a member of Congress as well as a film and presentations by scientists, astronauts, and other officials about the Hubble Space Telescope and its 20 year history.

Among the approximately 500 guests expected to attend this event are representatives from other Federal agencies, professional organizations, educational leaders, local and state government, members of Congress and key staff, science policy leaders, and industry officials. The estimated cost per person for the reception and program is approximately \$140.

Attendance at the reception will allow NASA employees an opportunity to discuss the Hubble Space Telescope's many contributions to science, with other attendees from other Federal agencies, Congress, academia, and industry. I therefore conclude that NASA's interest in its employees attending this event outweighs any concern that free attendance may, or may appear to, improperly influence NASA employees in the performance of their official duties.

Based on the above, I find that the event meets the requirements of a "widely attended gathering" as defined in 5 CFR 2635.204(g). I further find that there is an Agency interest in having NASA employees attend this event. Accordingly, NASA employees whose duties do not substantially affect the members of the Maryland Space Business Roundtable sponsoring the event may accept an invitation for free attendance to the dinner for themselves and their spouses or guests.

NASA employees whose duties substantially affect the members of the Maryland Space Business Roundtable sponsoring this event, for instance by way of procurement duties, should seek an individual determination regarding participation in this event from their local ethics counselor. Moreover, NASA employees who are in non-career positions in which the President's Executive Order of January 21, 2009 requires signing an ethics pledge may only attend if they reimburse the sponsors the cost of the refreshments they consume at the reception.

NASA employees attending the event are reminded of the \$20 gift exception at 5 CFR § 2635.204(a), which provides that employees are permitted to accept gifts valued at no more than \$20 per occasion. NASA employees should not accept any gifts distributed at the reception that exceed the \$20 cap. NASA invitees who are required to sign the ethics pledge may only receive such gifts if they reimburse the sponsor the fair market value.

*Kathleen T. Spear*

*for*

Adam F. Greenstone